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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,023	11/29/1999	WILLIAM A. GINDLESPERGER	085919.00004	7046

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/450,023	Applicant(s) GINDLESPERGER, WILLIAM A.	
	Examiner Daniel S. Felten	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Receipt of the amendment February 28, 2006 amending claim 1 and adding claims 25 and 26. Claims 1, 25 and 26 are pending in the application and are presented to be examined upon their merits.

Response to Arguments

2. Applicant's arguments, see applicant's Remarks, filed February 28, 2006 with respect to the rejection(s) of claim(s) 1 under Walker (US 5,794,207) in view of Giovannoli (US 5,842,178) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Walker (US 5,862,223).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1, 25 and 26 rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al (US 5,862,223)

--Walker discloses a method for competitive bidding by vendors (*experts*) of customized goods or services (see Walker, col. 6, lines 56+; and), *as in claims 1, 25 and 26*

--receiving a plurality of vendor records via a computer network (245) (see fig. 2, col. 13, lines 29-34; and “expert database”, (255), col. 14, lines 25-41), *as in claims 1, 25 and 26*

the vendor records corresponding to each of a plurality of vendors in a pool of vendors (see “subject menu” col. 7, lines 22+), each of said vendor records having vendor identifier data representing a vendor, and vendor capability data for said vendor to provide a customized good or service (see “qualifications”, col. 6, lines 56-64) *as in claims 1, 25 and 26*,

wherein the plurality of vendor records are associated with at least one vendor pool or more than one of a plurality of established vendor pools, each vendor pool being associated with a corresponding buyer and having a plurality of established vendor pools, each vendor pool being associated with a corresponding buyer and having a plurality of vendor records; as in claims 1, 25 and 26,

Receiving a job data from at least one buyer, said job data having a buyer identifier data, and a job descriptor data which specifies a plurality of characteristics of said customized good or service for which said buyer wishes a price quote or bid (see col. 7, lines 6+); *as in claims 1, 25 and 26*,

Automatically comparing via a computer processor said vendor records to said job data, wherein said comparing includes comparing each of said plurality of characteristics for said customized good or service with corresponding plural capabilities for each vendor only from the

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pool or vendors associated with the buyer (see “subject menu” col. 7, lines 22+; and col. 7, lines 30+); *as in claims 1, 25 and 26,*

Automatically identifying via a computer processor at least one subset from the pool of vendors as qualified for receiving an invitation for bid base on said comparison (see col. 7, line 30 to col. 8, line 3); *as in claims 1, 25 and 26,*

Selectively transmitting a solicitation to only selected members from the pool of vendors (see col. 7, line 30 to col. 8, line 3), *as in claims 1, 25 and 26,*

Receiving bid response data from at least one of said vendors which received said solicitation, said bid response data from at least one of said vendors which received said solicitation said bid response data identifying each of the vendors from which it was received and a bid price; and outputting to said buyer said bid response data (see col. 7, line 30 to col. 8, line 3), *as in claims 1, 25 and 26,*

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel S Felten
Examiner
Art Unit 3624

DSF
May 12, 2006



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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